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Honorable Robert M. McKenna
Attorney General of Washington
1125 Washington Street, S.E.
Post Office Box 40100
Olympia, Washington 98504

Re: Citizen Action Letter, RCW 42.17.400(4)
Elizabeth D. Stephenson – 2002 Campaign for King County District Court Judge

Dear Attorney General McKenna:

This letter concerns Elizabeth D. Stephenson, who was elected Judge of King County District Court, Federal Way Division, Position 1 in the November 5, 2002 general election. There was no primary election, since only two candidates filed. Ms. Stephenson won the general election with 61.64% of the vote. Ms. Stephenson is seeking re-elected to the King County District Court without opposition in the November 7, 2006 election.

I am sending this written notification pursuant to the citizen action provisions of RCW 42.17.400(4) to inform you that I have reason to believe that Ms. Stephenson may have violated numerous provisions of Chapter 42.17 RCW, included repeated violations of RCW 42.17.080(2) for untimely filing of reports of contributions and expenditures, repeated violations of RCW 42.17.080(3) for untimely filing reports of bank deposits and contributions deposited, RCW 42.17.105 for reporting large last minute contributions, and RCW 42.17.3691(1) for failure to comply with mandatory electronic filing of reports.

During 2002, RCW 42.17.3691(1) required every campaign that spent or expected to spend at least \$25,000.00 to file all contribution and expenditure reports electronically.

Ms. Stephenson spent a total of \$31,023.28 on her 2002 campaign. The total amount raised was \$31,064.86. However, Ms. Stephenson failed to file any of her reports electronically during her entire 2002 campaign. All of these reports in the required electronic format are now nearly four years after the date they should have been filed.

Ms. Stephenson consistently failed to file her C4 periodic reports of contributions and expenditures timely. This failure was especially egregious concerning the 21 day and 7 day pre-general election reports, which basically were not filed at all before the general election, and instead filed after the general election for a different reporting period.

For the period August 1, 2002 to August 31, 2002, Ms. Stephenson raised \$10,000.00 and spent \$5,161.95. RCW 42.17.080(2)(c) required Ms. Stephenson file a C4 periodic report of contributions and expenditures by September 10, 2002. Ms. Stephenson did not file this report until September 11, 2002, or 1 day late.

For the period September 1, 2002 to October 8, 2002, Ms. Stephenson raised \$11,230.00 and spent \$12,817.76. RCW 42.17.080(2)(a) required Ms. Stephenson file a 21 day pre-general election C4 periodic report of contributions and expenditures by October 15, 2002. Instead, Ms. Stephenson filed a C4 report for an entirely different time period, namely September 1, 2002 to September 30, 2002, on October 11, 2002. Ms. Stephenson did not report her activities for the period October 1, 2002 to October 8, 2002 – which consisted of \$830.00 raised and \$4,698.48 – until November 12, 2002. These activities were therefore reported 28 days after the due date of October 15, 2002.

For the period October 9, 2002 to October 28, 2002, Ms. Stephenson raised \$7,982.66 and spent \$11,245.45. RCW 42.17.080(2)(a) required Ms. Stephenson file a 7 day pre-general election C4 periodic report of contributions and expenditures by October 29, 2002. Instead, Ms. Stephenson filed a C4 report for an entirely different time period, namely October 1, 2002 to October 31, 2002, on November 12, 2002. These activities were therefore reported 14 days after the due date of October 15, 2002.

(Ms. Stephenson raised \$515.00 and spent \$0.00 between October 29, 2002 and October 31, 2002. These activities weren't reported to be reported until December 10, 2002. However, Ms. Stephenson reported this small amount early on November 12, 2002, due to her decision to use different reporting periods than those required by state law.)

For the period November 1, 2002 to November 30, 2002, Ms. Stephenson raised \$170.00 and spent \$550.00. RCW 42.17.080(2)(b) required Ms. Stephenson file a C4 periodic report of contributions and expenditures by December 10, 2002. Ms. Stephenson did not file this report until January 20, 2003, or 41 days late.

Ms. Stephenson's violation of the law regarding C3 reports of bank deposits and related contributions was even more egregious. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for EACH bank deposit made between July 1, 2002 and November 5, 2002, and to do so by the Monday after EACH deposit was made.

Ms. Stephenson completely ignored the requirements of RCW 42.17.080(3) during this entire period of her campaign. Ms. Stephenson never once filed a C3 bank deposit report by the Monday after it was made. Instead, Ms. Stephenson waited until she filed her C4 reports (which were usually late for the C4 reporting dates, to boot) to file her C3 reports. To make matters worse, Ms. Stephenson never filed separate C3 reports for EACH bank deposit, instead combining all bank deposits onto a single C3 report.

On July 24, 2002, Ms. Stephenson deposited \$1,448.20. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by July 29, 2002. Ms. Stephenson reported this on a C3 report filed on August 9, 2002, or 11 days late.

On August 21, 2002, Ms. Stephenson deposited \$5,000.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by August 26, 2002. Ms. Stephenson reported this on a C3 report filed on September 11, 2002, or 16 days late.

On August 30, 2002, Ms. Stephenson deposited \$5,000.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by September 3, 2002. Ms. Stephenson reported this on a C3 report filed on September 11, 2002, or 8 days late.

On September 4, 2002, Ms. Stephenson deposited \$200.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by September 9, 2002. Ms. Stephenson reported this on a C3 report filed on October 11, 2002, or 32 days late.

On September 17, 2002, Ms. Stephenson deposited \$150.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by September 23, 2002. Ms. Stephenson reported this on a C3 report filed on October 11, 2002, or 18 days late.

On September 20, 2002, Ms. Stephenson deposited \$1,050.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by September 23, 2002. Ms. Stephenson reported this on a C3 report filed on October 11, 2002, or 18 days late.

On September 30, 2002, Ms. Stephenson deposited \$9,000.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 7, 2002. Ms. Stephenson reported this on a C3 report filed on October 11, 2002, or 4 days late.

On October 7, 2002, Ms. Stephenson deposited \$830.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 14, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 29 days late.

On October 11, 2002, Ms. Stephenson deposited \$4,232.66. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 14, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 29 days late.

On October 16, 2002, Ms. Stephenson deposited \$2,000.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 21, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 22 days late.

On October 18, 2002, Ms. Stephenson deposited \$100.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 21, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 22 days late.

On October 19, 2002, Ms. Stephenson deposited \$1,500.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 21, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 22 days late.

On October 25, 2002, Ms. Stephenson deposited \$150.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by October 28, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 15 days late.

On October 30, 2002, Ms. Stephenson deposited \$515.00. RCW 42.17.080(3) required Ms. Stephenson to file a C3 report for this deposit by November 4, 2002. Ms. Stephenson reported this on a C3 report filed on November 12, 2002, or 8 days late.

Ms. Stephenson also violated RCW 42.17.105, which required reporting, to be received within 48 hours by the PDC, of any contribution received for \$1,000.00 or more within 21 days of the general election. This 21 day period started on October 15, 2002.

Ms. Stephenson received a contribution of \$2,000.00 from her personal funds on October 16, 2002. RCW 42.17.105 required the PDC to receive a report of this contribution by October 18, 2002. The PDC received Ms. Stephenson's report of this on November 13, 2002 (mailed on November 12, 2002), or 26 days after the due date.

Ms. Stephenson received a contribution of \$1,500.00 from Mitchell Greene on October 19, 2002. RCW 42.17.105 required the PDC to receive a report of this contribution by October 21, 2002. The PDC received Ms. Stephenson's report of this on November 13, 2002 (mailed on November 12, 2002), or 23 days after the due date.

Finally, in many cases Ms. Stephenson failed to comply with WAC 390-16-034, which requires that the occupation and name and address of employer be listed for each contributor who makes total contributions in excess of \$100.00. These failures include:

- (a) Karli Jorgenson, gave \$150.00 on September 20, 2002
- (b) Barbara Bowden, gave \$200.00 on September 20, 2002
- (c) Jean Stephenson, gave \$250.00 on September 20, 2002
- (d) Jill Intveld, gave \$400.00 on October 30, 2002

The apparent multiple violations of PDC reporting laws by Ms. Stephenson are especially egregious given that Ms. Stephenson was an attorney who had been practicing law for nearly 10 years at the time she ran for office in 2002. Ms. Stephenson was even given a rating of "Exceptionally Well-Qualified" by the so-called "King County Bar Association" in her 2002 campaign. While the political bias and credibility of the KCBA is greatly disputed these days, this type of rating is supposed to mean that Ms. Stephenson had an exemplary character and extremely high competence in and knowledge of the law.

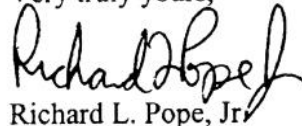
Every citizen running for office is required to obey PDC reporting laws, regardless of their occupation, educational background, or whether they are running for a well-paying full-time position or a low-paying part-time position. An experienced attorney running for a judicial position paying well over \$100,000 per year certainly should be held to no lower standard than an average citizen. And this is especially true in the event that an attorney actually manages to get elected judge with no one noticing the PDC violations.

If enforcement action is not commenced by filing a civil action in court in the name of the State of Washington, within forty-five days of your receipt of this written notification, I reserve my right under RCW 42.17.400(4) to give a second written notification that I will commence citizen's action in the name of the State of Washington over these matters if there has been further failure to so act within ten days of the receipt of such second written notification, and thereafter commence a civil action on my own initiative in the name of the State of Washington over these matters.

I am also forwarding a copy of this citizen action letter to the King County Prosecuting Attorney, which covers the jurisdiction where Ms. Stephenson ran for office, and the Thurston County Prosecuting Attorney, where the PDC office is located.

Thank you for your careful attention in this matter.

Very truly yours,



Richard L. Pope, Jr.

Enclosures:

- 1. C1 Candidate Registration, filed 07/28/2002
- 2. C3 Report, filed 08/09/2002
- 3. C4 Report, Schedule A, and C3 Report, filed 09/11/2002
- 4. C4 Report, Schedule A, and C3 Report, filed 10/11/2002
- 5. C4 Report, Schedule A, Schedule L, and C3 Report, filed 11/12/2002
- 6. C4 Report, Schedule A, and C3 Report, filed 01/20/2003

DECLARATION

I declare under penalty of perjury under the laws of the State of Washington that the above and foregoing is true and correct to the best of my knowledge and belief.

Signed at Bellevue, Washington on August 21, 2006.


RICHARD L. POPE, JR.

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